

## Listing of Claims

1. (Currently amended) A method for treating hyperlipidemia wherein a patient in need thereof is given An effective amount of an intermediate release nicotinic acid formulation in a once per day oral dosage form ~~for treating hyperlipidemia~~ without causing treatment limiting hepatotoxicity and treatment limiting elevations in uric acid or glucose levels or both to a level which would require use of said formulation to be discontinued, said formulation exhibiting an *in vitro* stair-stepped absorption profile when a convoluted plasma curve for nicotinic acid released from said formulation is deconvoluted using the Wagner-Nelson method, wherein the stair-stepped absorption profile is generally characterized by three phases in which

up to 19% of the nicotinic acid dose administered is absorbed between about 1 and about 4 hours following ingestion at the end of the first phase;

between about 78% and about 100% of the nicotinic acid dose administered is absorbed between about 5 and about 9 hours following ingestion at the end of the second phase; and

between about 86% and about 100% of the nicotinic acid dose is absorbed by about 9 hours following ingestion during the third phase.

2. (Currently amended) The ~~method~~intermediate release nicotinic acid formulation of claim 1, wherein the nicotinic acid absorption mean for the first and second phases is:

about 6% of the nicotinic acid dose administered is absorbed at about 2.3 hours following ingestion at the end of the first phase; and

at least about 91% of the nicotinic acid dose administered is absorbed at about 7.3 hours following ingestion at the end of the second phase.

3. (Currently amended) A method for treating hyperlipidemia wherein a patient in need thereof is given An effective amount of an intermediate release nicotinic acid formulation in a once per day oral dosage form ~~for treating hyperlipidemia~~ without causing treatment limiting hepatotoxicity and treatment limiting elevations in uric acid or glucose levels or both to a level which would require use of said formulation to be discontinued, said formulation exhibiting an *in vitro* stair-stepped absorption profile when a convoluted plasma curve for nicotinic acid released from said formulation is deconvoluted using the Wagner-Nelson method, wherein the stair-stepped absorption profile is generally characterized by three phases in which

nicotinic acid is absorbed at a rate of up to about 9% of the nicotinic acid dose administered per hour between about 1 and about 4 hours following ingestion at the end of the first phase;

nicotinic acid is absorbed at a rate of between about 14% and about 26% of the nicotinic acid dose administered per hour between about 5 and about 9 hours following ingestion at the end of the second phase; and

the remainder, if any, of the nicotinic acid dose administered is absorbed during the third phase.

4. (Currently amended) The method ~~intermediate release nicotinic acid formulation~~ of claim 3, wherein the nicotinic acid absorption rate mean for the first and second phase is:

about 3% of the nicotinic acid dose administered ~~per hour~~ is absorbed at about 2.3 hours following ingestion at the end of the first phase; and

about 19% of the nicotinic acid dose administered ~~per hour~~ is absorbed at about 7.3 hours following ingestion at the end of the second phase.

*(Rest of page left intentionally blank)*